

**Family Court Judges' Meeting
January 3, 2005
Minutes**

Judges Present: Nan Nash, Angela Jewell, Ernesto Romero, and Deborah Walker

Hearing Officers Present: David Baca, Kaydee Culberston, James Loughren, and Reed Sheppard

The meeting was called to order at 12:02 p.m. by Presiding Family Court Judge Nan Nash.

Welcome

Judge Nash welcomed all in attendance and wished everyone a Happy New Year. Judge Nash acknowledged Special Master James Loughren for informing her that 2005 is the 20th anniversary of Family Court. Judge Nash requested suggestions for formatting and content of the monthly judge's meetings.

Judges Retreat

Judge Nash stated that there is a Judges retreat scheduled for Tuesday, March 15, 2005. This will be an all-day event. The first half of the day will be for judges only and the second half will include hearing officers. Judge Romero suggested that complaints, criticisms or suggestions can be given anonymously to David Levin (albddpl@nmcourts.com) via e-mail by Friday, March 11, 2005. These comments are to be as specific as possible to make sure the issues can be properly addressed at the Judges retreat. Judge Nash took the opportunity to articulate her open door policy on any matters concerning the Family Court and will meet with anyone about issues they may have regarding the Family Court.

Meeting Minutes Distribution

Judge Nash stated the minutes from this meeting will not be distributed in a paper form. They will, however, be posted on the web-site. After further discussion it was decided that a draft agenda of the next months meeting will be listed at the end of the minutes.

A. Rule Changes

1. Rule 53.1 & 53.2

The proposed changes for **Rule 53.1 NMRA** are pending before the Supreme Court. The proposed changes require a hearing on objections on DV Orders of Protection. How the hearing is to be held is still left up to the individual Judge.

The comments to the proposed changes to **Rule 53.2 NMRA** has not been reviewed by the Civil Rules Committee as of yet.

2. Proposed Disclosure Rule 1-123

Proposed Disclosure Rule 1-123 has not been reviewed by the Civil Rules Committee as of yet.

B. Legislation

1. One Percent for Children

Judge Walker stated that this program, proposed by Justice Maes provides funding for neglect and abuse cases, supervised visitation, CASA's, etc.. Neutral Corner is barely hanging on financially. Judge Walker attended a City Council Meeting where the City appropriated funds for Neutral Corner for the remainder of the year. The City sees supervised visitation as a Court problem. Dr. Lou Kodi suggested we take a look at how Arizona's supervised visitation is handled and see if the way it is organized might work for us here in New Mexico. Judge Walker said that is the model we are basically following.

2. GAL Statute

Judge Romero reported that he has been on the committee, which met from April 2003 to November, 2004 about the proposed changes to §40.4.8 NMSA which deals with Guardian ad litem. This committee consisted of members of the Bar, volunteers, etc. which gave it a unique view point and provided a forum for many voices. Senators Bernadette Sanchez and Mark Boitano are sponsoring the legislation which will be introduced at the Legislative Session in January, 2005. The proposed Statute can be viewed on the web at <http://www.tinyurl.com/6ulx5>. A copy of this proposed Statute is also attached (Attachment A). Judge Romero indicated that the Supreme Court will develop a list of credentials for GAL's by January 2006.. Although this date is not set in stone there is plenty of time for discussion and changes. All the proposed changes are underlined in the attachment and on the web. Linda Ellison, Family Law Section President indicated that the Family Law Section will vote on what position to take on the proposed legislation and asked for comments by January 21, 2005.

3. Domestic Violence FAIR Program

Judge Nash stated that funding for this program is not automatically continued. Dr. Kodi stated that the first round of participants are 3/4 of the way through the program and the second round are now starting assessments. She stated this program has been extremely successful in the past, the percentage of couples returning to get another Order of Protection is down from 20% to 5%.

C. New Issues

1. Notice of Non-Availability

Bradford Zeikus, Esq. raised the issue of Notice of Non-Availability and indicated some confusion in the community as to their effect, especially in the absence of a State or Local rule. It was clarified that there is no standing rule or policy at this time, but the Notices are viewed as a courtesy between the attorneys and Judges offices. Mr. Zeikus also questioned whether the Notices should be filed through the clerk's office or a letter indicating non-availability provided to the Judge's office. The Judges indicated no preference. It was noted that just because you

have submitted a Notice of Non-Availability that is not a “get out of jail free” card to be used as a stalling tactic or not appearing at a hearing. Reed Sheppard noted that the same policy should apply for a motion for continuance.

2. Family Court Judges Meetings Format

Judge Nash asked for any comments or suggestions on the format of these meetings. Changes could include changing the meetings from monthly to bi-monthly or changing the format to a more lecture type with speakers on various pertinent Family Court issues. Everyone in attendance agreed that they liked the monthly meeting schedule and that the additions of some speakers on current issues at times would be nice. The attorneys in attendance took that opportunity to say that they find these monthly meeting a vital part of their practice and they were extremely informative to their cases. Judge Jewell asked if there was any other ways that the Family Court could get the word out to other attorneys about attending these meeting. A suggestion was made to send out a flier with Court documents to attorneys to inform them of an upcoming meeting. Judge Walker will attempt to draft a flyer. Judge Nash said she would post a draft agenda on the website of the upcoming month meeting at the end of each set of minutes for each month.

The meeting adjourned at 1:03 p.m.

Respectfully submitted by:
Carla M. Ponce
Administrative Assistant

FAMILY COURT JUDGES' MEETING AGENDA
February 7, 2005 AT 12:00 NOON
CONFERENCE CENTER, 3RD FLOOR

Happy Valentine's Day

- A. **Special Recognition** - Judge Romero
- B. **Rule Changes**
 - 1. Changes to Rule 53.1 and 53.2
 - 2. Proposed Disclosure Rule 1-123
- C. **Legislation**
 - 1. One Percent for Children
 - 2. GAL Statute
 - 3. Domestic Violence Legislation
 - 4. Other Legislation
- D. **Family Court Retreat**
- E. **New Issues**
 - 1. Vacating Hearings - Kaydee Culbertson
- F. **Calendar Reminders:**

Regular Meetings:

Family Court Staff Meeting: 1st Monday of the month 11:00 a.m.

Family Court Judges' Meeting: 1st Monday of the month 12:00 p.m.

Collaborative Divorce Training - May 2005

Judges/Hearing Officer Retreat - March 15, 2005

Next meeting: March 7, 2005

YOU ARE INVITED

FAMILY COURT JUDGES' MEETING

**FEBRUARY 7, 2005 at 12:00 p.m.
(and the first Monday of every month thereafter)**

**Bernalillo County Courthouse
Conference Room, 3rd floor**

- Dialogue with the Judges and the Hearing Officers
- Bond with fellow Family Law Lawyers
- Address ongoing concerns
- Assist in developing new local policies and procedures
- Hear interesting speakers